THE BOMBAY ANIMAL PRESERVATION ACT, 1954.

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SCHEDULE.

BOMBAY ACT No. LXXII OF 1954.[1]

[THE BOMBAY ANIMAL PRESERVATION ACT, 1954.]

[*14th December 1954*]

An Act to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes.

WHEREAS it is expedient to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes; It is hereby enacted in the Fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Animal Preservation Act, 1954.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Application of Act.

2. (*1*) This Act shall in the first instance apply to the animals specified in the Schedule.

(*2*) The State Government may, by notification in the *Official Gazette*, apply the provisions of this Act to any other animal, which in its opinion, it is desirable to preserve.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Animal" means an animal to which this Act applies;

(*2*) "Competent Authority" means a person or body of persons appointed under section 4 to perform the functions of a Competent Authority under this Act;

(*3*) "Prescribed" means prescribed by rules made under this Act;

(*4*) "Schedule" means a Schedule appended to this Act.

Appointment of Competent Authority.

4. The State Government may, by notification in the *Official Gazette*, appoint a person or a body of persons to perform the functions of a Competent Authority under this Act for such local area as may be specified in the notification.

Prohibition against slaughter without certificate from Competent Authority.

5. (*1*) Notwithstanding any law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered any animal unless, he has obtained in respect of such animal a certificate in writing from the Competent Authority appointed for the area that the animal is fit for slaughter.

(*2*) No certificate shall be granted under sub-section (*1*), if in the opinion of the Competent Authority—

(*a*) the animal, whether male or female, is useful or likely to become useful for the purpose of draught or any kind of agricultural operations;

(*b*) the animal, if male, is useful or likely to become useful for the purpose of breeding;

(*c*) the animal, if female, is useful or likely to become useful for the purpose of giving milk or bearing offspring.

(*3*) Nothing in this section shall apply to the slaughter of any animal above the age of fifteen years for *bona-fide* religious purposes:

Provided that a certificate in writing for such slaughter has been obtained from the Competent Authority.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, p. 299.

(*4*) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by a Competent Authority granting or refusing to grant any certificate under this section, call for and examine the records of the case and may pass such order in reference thereto as it thinks fit.

(*5*) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.

(*6*) Subject to the provisions of sub-section (*4*) any order passed by the Competent Authority granting or refusing to grant a certificate, and any order passed by the State Government under sub-section (*4*) shall be final and shall not be called in question in any Court.

Prohibition of slaughter of animals in places not specified for the purpose.

6. No animal in respect of which a certificate has been issued under section 5 shall be slaughtered in any place other than a place specified by such authority or officer as the State Government may appoint in this behalf.

Power to enter and inspect premises.

7. (*1*) For the purposes of this Act, the Competent Authority or any person authorised in this behalf by the Competent Authority (hereinafter referred to as the authorised person) shall have power to enter and inspect any premises where the Competent Authority or the authorised person has reason to believe that an offence under this Act has been or is likely to be committed.

(*2*) Every person in occupation of any such premises shall allow the Competent Authority or the authorised person such access to the premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the Competent Authority or by the authorised person.

Penalties.

8. Whoever contravenes any of the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Offences under the Act to be cognizable.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable. V of 1898.

Abetments and attempts.

10. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

Persons exercising powers under this Act deemed to be public Servants.

11. All persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of persons acting in good faith under the Act or rules.

12. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Exemption under this Act.

13. Subject to any conditions prescribed in this behalf, this Act shall not apply to—

(*1*) any animal operated upon for vaccine lymph, serum, or for any experimental or research purposes at an institution established, conducted or recognised by the State Government;

(*2*) any animal or class of animals —

(i) slaughter of which is certified by a Veterinary Surgeon authorized in this behalf by the State Government to be necessary in the interest of the public health,

(ii) which are suffering from any disease which is certified by such Veterinary Surgeon as being contagious and dangerous to other animals.

Delegation of powers.

14. The State Government may, by notification in the *Official Gazette*, delegate—

(*1*) to any local authority, its powers and functions under section 4 within the local area subject to the jurisdiction of such local authority;

(*2*) to any officer of the State Government, its powers and functions under sub-section (*4*) of section 5.

Power to make rules.

15. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) the powers and duties of a Competent Authority, in addition to those provided in this Act;

(*b*) the form of the certificate under section 5;

(*c*) the amount of the fee to be paid under section 5;

(*d*) the conditions subject to which the Act shall not apply to any animal under section 13;

(*e*) any other matter which is or may be prescribed.

(*3*) The rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

Bom. LXXXI of 1948.

Repeal of Bombay Animal Preservation Act, 1948.

16. The Bombay Animal Preservation Act, 1948, is hereby repealed:

Provided that:

(*a*) every appointment, certificate, application, order, rule, notification or recognition made, issued or given under the provisions of the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, certificate, application, order, rule, notification or recognition made, issued or given under this Act;

(*b*) any proceedings relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed in such proceedings shall be recovered under the Act so repealed.

SCHEDULE.

[Section 2 (*1*).]

Bovines (bulls, bullocks, cows, calves, male and female buffaloes and buffalo-calves).